

1 Carlos Cuevas, Jr.,
2 called as a witness by and on behalf of the People, having been
3 first duly sworn, was examined and testified as follows:

4 -DIRECT EXAMINATION-

5 BY MR. WILLIS:

6 Q. Mr. Cuevas, do you understand that you just were sworn
7 in as a witness in this case?

8 A. Yes.

9 Q. And that you are now under the penalty of perjury. You
10 are required to tell the truth?

11 A. Yes.

12 Q. Will you do that?

13 A. Yes.

14 Q. And, just by way of introductions, let me just let you
15 know that my name is Jon Willis. I'm a deputy District Attorney
16 prosecuting this case. I believe you know Task Force Officer
17 Sawyer. Mr. Honse and Mr. Breeze represent the two defendants in
18 this case, April Del Toro and Louis Lopez.

19 A. Yes.

20 Q. As all of us ask you questions, myself, Mr. Honse,
21 Mr. Breeze, I'm going to ask you to answer as truthfully as you
22 can. You are not required to speculate or have to guess at the
23 answer. If there is any question or part of a question you don't
24 understand, please ask us to rephrase the question rather than
25 attempt to answer, guess at an answer. Will do you that?

1 A. Yes.

2 Q. Let me get something out of the way right away. It's
3 been told to the jury that you are going to be -- there is going
4 to be some testimony about you receiving some kind of special
5 treatment for testifying today. Has the U.S. Attorney's Office or
6 Michael Caplain, assistant U.S. Attorney, made any promises to you
7 concerning you providing testimony to us today?

8 A. No.

9 Q. Have there been any representations whatsoever made by
10 Mr. Caplain or his office, the U.S. Attorney's Office, concerning
11 your providing testimony today?

12 A. No.

13 Q. How about myself or the Imperial County District
14 Attorney's office? Again, has any promises been made to you or my
15 office concerning your testimony today?

16 A. No.

17 Q. Nothing, no representations at all?

18 A. Nothing. There is no promises or nothing.

19 Q. How about any other source? Has anybody or any agency
20 out there made any representations or promises to you about your
21 testifying here today?

22 A. No.

23 Q. Now, are you presently in custody?

24 A. Yes. I'm federal. I'm actually with the federals.

25 Q. You have been in federal custody since when?

1 A. January 20th, 2007.

2 Q. As part of the proceedings in federal court over in San
3 Diego, you have already pled guilty to a charge concerning
4 distributing controlled substance, cocaine?

5 A. Actually, yes. I have been -- I pled guilty for
6 criminal enterprise.

7 Q. And that relates to drug trafficking for a drug
8 organization in which you participated in activities including the
9 importation and transportation of cocaine from Mexico into the
10 United States?

11 A. Yes.

12 Q. I would like to get just a little bit of information
13 about the background of that organization. When did you
14 personally become involved with the importation of cocaine from
15 Mexico into the United States?

16 A. 2004.

17 Q. And the plea agreement that you signed with the federal
18 authorities, there is a couple of individuals who are named in
19 here. One individual is a gentleman by the name of Victor Emilio
20 Cazares Salazar.

21 A. Yes.

22 Q. Do you recognize that name?

23 A. Yes.

24 Q. Can you tell the jury what position, who he is.

25 A. He's my boss. I actually worked with the cartel in

1 Sinaloa. He belongs to the Cartel Sinaloa. I belong to the
2 Cartel Sinaloa too, working for him.

3 Q. And you mentioned he is based in Sinaloa?

4 A. Yes.

5 Q. That is a state, obviously, in the country of Mexico?

6 A. Yes.

7 Q. Do you recall when you first met Mr. Cazares?

8 A. Yes.

9 Q. Can you describe to the jury those circumstances.

10 A. What?

11 Q. When you first met him.

12 A. I met him in 2004. I was working with him first through
13 the phone. I didn't meet him personally. I started working with
14 him, marijuana. 2005 -- no, about 2004. And at the end of 2004
15 he called me that he wanted to meet me personally, so I flew down
16 to Culiacan, Sinaloa. He picked me up at the airport. He took me
17 to the hotel. At night, I got a phone call that they were going
18 to pick me up. I went over to his house. And had a chat with
19 him, talked to him.

20 Q. And is that when you first met him face-to-face?

21 A. Yes.

22 Q. And what was the sum and substance of that conversation?
23 What was the outcome of the conversation?

24 MR. BREEZE: Objection, Your Honor. Hearsay. 352.

25 THE COURT: I'm not sure if it's hearsay. It might be

1 nonhearsay if it's not being used for the truth of the matter.

2 What about that?

3 MR. WILLIS: It's also a declaration against interest. I
4 assume the testimony -- I would make an offer of proof that the
5 testimony is concerning further planning.

6 THE COURT: Overruled.

7 MR. BREEZE: Confrontation as well, Your Honor.

8 THE COURT: Overruled.

9 MR. HONSE: For the record, Your Honor, I object pursuant to
10 Evidence Code 1223.

11 THE COURT: Well, I can let it be tied in later. That's one
12 of the options under the case law. If it's not tied in, I'll
13 instruct the jury not to consider this.

14 BY MR. WILLIS:

15 Q. Do you remember the question, Mr. Cuevas?

16 A. Yes. I always crossed marijuana. I was very good at
17 crossing marijuana. And so he saw the way I was working. He
18 offered me to, if I wanted to cross cocaine. I said I never
19 crossed it before but, yeah, why not? And I started working from
20 Tijuana. I started working with him.

21 After a couple of months in Tijuana, we had some problems
22 over there with some people. And we moved to Mexicali to start
23 moving tons of cocaine.

24 Q. And that was around the year 2004?

25 A. 2004.

1 Q. And would I be correct in assuming that between that
2 initial meeting in 2004 up until the time you were arrested in
3 January of 2007, that you continued to work with Mr. Cazares in
4 the importation of cocaine into the United States?

5 A. Yes.

6 Q. There is a couple of other names. I just wanted to
7 identify who these people are within the organization. By the
8 way, occasionally I may slip into jargon and use phrase such as
9 "D.T.O.," which we have been using in this trial to reference
10 drug-trafficking organization. Have you ever heard that
11 expression before?

12 A. No.

13 Q. If I do use that, that's what I'm referencing,
14 drug-trafficking organization.

15 Is there a gentleman named Arturo Cazares Mesa; is that
16 correct?

17 A. Yes.

18 Q. What was his relationship with Mr. Victor Cazares and
19 yourself?

20 A. I used to work for him too, actually.

21 Q. And his operation was a separate organization from
22 Mr. Victor Cazares'?

23 A. Victor Cazares was one. Arturo Cazares is another one.
24 They are families. He's his nephew.

25 Q. Arturo is Victor's nephew?

1 A. Yes.

2 Q. Where is Arturo based?

3 A. Culiacan, Sinaloa.

4 Q. And that thirdly there was a name, Gabriel Flores. Who
5 is Gabriel Flores?

6 A. Gabriel Flores is the one I took the cars to get fixed
7 over there in L.A., in Los Angeles. He used to fix the
8 compartments for me.

9 Q. Now, between that time that you initially met
10 Mr. Cazares and moved into the business of importing cocaine in
11 2004 up until your arrest in 2007, how large did your local
12 organization grow?

13 A. Big.

14 Q. You mentioned that one of the things that -- one of the
15 methods of operation had to do with false compartments that
16 Mr. Flores would construct in automobiles?

17 A. Yes. I used to buy cars, fix them up, get them altered,
18 the cars, make secret compartments so I could cross cocaine.

19 Q. About at the end of this enterprise in January of 2007,
20 approximately how many vehicles did you have in operation within
21 your -- I'm going to call it the "Cuevas cell." I don't know if
22 you heard that described that way.

23 A. That's the way my indictment is, from my federal
24 indictment. It's called Cuevas cell. It carries my last name
25 because I was the head.

1 Q. Okay. And specifically about that cell, my
2 understanding from earlier testimony in reviewing the documents,
3 that was based here in Mexicali, Imperial County area; is that
4 correct?

5 A. Yes. From the Imperial Valley and Mexicali.

6 Q. About how many vehicles do you think from December 2006
7 to January 2007, that time period, do you think were in operation?

8 MR. BREEZE: Objection. Relevance, Your Honor. Well, I'll
9 withdraw the objection.

10 THE WITNESS: About ten cars.

11 BY MR. WILLIS:

12 Q. Now, I want to get into a little bit more detail about
13 these vehicles and sort of what your standard operating procedure
14 was with the vehicles. Can you describe to the jury generally how
15 you would acquire vehicles that were going to be used in your
16 operation for the importation of cocaine?

17 A. Can you repeat the question again.

18 Q. How did you acquire the vehicles that you were going to
19 use?

20 A. I used to go and buy them personally.

21 Q. How would you go about -- what criteria did you use for
22 the selection process?

23 A. I used to buy the car and get -- I used to hire scouts
24 so they could look for people, look for people to cross cocaine.
25 I used to look at their I.D.'s. And it all depends. I'll be

1 honest with you guys, I used to pretend I was U.S. Customs and
2 just imagine if I was Customs, let's see, I'm not going to buy a
3 \$30,000 car and give it to an 18-year-old. It has to fit their
4 age. So I used to pretend I was U.S. Customs.

5 (Earthquake.)

6 THE COURT: For the record, we're experiencing an earthquake.
7 I hope it's just an earthquake.

8 MR. WILLIS: We had some over the weekend.

9 THE COURT: Go ahead. We'll see what your next question
10 brings.

11 MR. WILLIS: I promised the jury earth-shaking testimony this
12 morning.

13 BY MR. WILLIS:

14 Q. Let me go back. You indicated that one of the criteria
15 you would use for acquiring an automobile is how it matched up
16 with a prospective driver?

17 A. Yes.

18 Q. You mentioned that you would get the I.D. for the
19 driver. How did that work?

20 A. I used to tell the people that -- I didn't actually like
21 to meet the people, people to see me, who I really was. And so I
22 used to hire people, close friends, so that they could hire the
23 people for me. And they used to bring me their I.D.'s. I used to
24 see the I.D. and say, you know what? This car matches to that
25 person. You know, it fits the person.

1 Q. Okay. And, again, in the time frame of December 2006,
2 January 2007, about how many drivers do you think were in your
3 employ?

4 A. At least ten, on and off, changing drivers.

5 Q. Between 2004 and January 2007, can you estimate for the
6 jury the quantity of cocaine that you believe your Cuevas cell
7 imported into the United States from Mexico.

8 A. More than a thousand kilos.

9 Q. Now, going back to the vehicles, there is also mention I
10 believe of -- let me start over again.

11 In the standard operating procedure for when you are
12 bringing up one of these loads of cocaine -- how many?

13 A. I used to get about 400 kilos per week. I would try to
14 get all of the cars, try to -- some cars I used to fit 50 kilos.
15 Some cars I would fit 45 kilos. Some cars I used to fit 32 kilos.
16 It all depends. The size is sometimes they come small. Sometimes
17 they come big. Sometimes they take a little bit more space.
18 Sometimes there is more space because they are smaller. Probably,
19 I used to put 400 kilos in, like, two days into the United States.

20 Q. When you were importing the cocaine, am I correct in
21 understanding that the journey commenced in Mexicali typically for
22 your part of the operation?

23 A. Yes. From Mexicali to Los Angeles.

24 Q. Most of the customers who were receiving the cocaine
25 were in the L.A. area?

1 A. L.A. area, Fontana area, Los Angeles, Fontana.

2 Q. Let me start from the beginning then. How would the
3 cocaine arrive in Mexicali in the first place?

4 A. I used to get it through some buses, transportation
5 buses that transported people from Culiacan or Guadalajara.

6 Q. And the cocaine would be hidden somewhere on the bus?

7 A. The cocaine used to come hidden in the bus. There is
8 two axles in the back -- two axles in the back that carries four
9 tires, four tires per each axles. We used to stick 72 kilos on
10 the inner rims. On the four rims we used to stick 18, 18, 18, 18
11 kilos on each bus.

12 Q. When the bus arrived up here, where would it go?

13 A. Mexicali.

14 Q. Where in Mexicali?

15 A. We had a warehouse where after they dropped off the
16 people, that bus used to go to a warehouse.

17 Q. And there the cocaine would be retrieved from those
18 hidden compartments in the wheels?

19 A. Yeah. And turned in to me.

20 Q. How did the cocaine then get into the vehicle with the
21 false compartment that was going to be used to transport up to the
22 L.A. area?

23 A. I had to work one of my workers. I actually had one of
24 my workers pick it up, take it to a safe house where I used to
25 have a safe house in Mexicali. And he used to wrap them up, put

1 them in the hidden compartments, send them into the United States.

2 Q. Typically would the driver of the vehicle then bring
3 that vehicle down to the safe house in Mexicali?

4 MR. BREEZE: Objection. Leading.

5 THE COURT: Wait. Wait. Wait. Sustained.

6 BY MR. WILLIS:

7 Q. How would the vehicle with the false compartment get to
8 the stash house?

9 A. I used to talk to the recruiter of the driver, not to
10 the driver, to the recruiter of the driver, you know what? I need
11 your car over there. I need your person over there. His person
12 knew where to go. I had one of my workers pick up the car, unload
13 the car, take it back to the driver.

14 Q. Let me see if I understand this correctly then. The
15 driver of the vehicle would go to some neutral location and turn
16 it over to one of your workers?

17 A. Yes.

18 Q. Once it was loaded, bring it back to that driver?

19 A. Yes.

20 Q. Why was it done that way?

21 A. I didn't trust nobody because I had so much cocaine in
22 that house. I couldn't trust nobody where the stash house was for
23 my safety and for the safety of the person.

24 Q. Let me go back to that vehicle with the false
25 compartments that was going to be used to take it up to the L.A.

1 area. Generally, were those vehicles, can you tell the jury how
2 they were registered, in whose name.

3 A. Every vehicle had to belong to that person because my
4 boss, I was responsible if I lost a car and it wasn't under the
5 registered name, or no license, or no insurance. I was
6 responsible to pay the cocaine, the amount of cocaine that was
7 inside the car. So I made sure that every driver had their car
8 under their name, had a valid driver's license and insurance.

9 Q. Were the cars kept in good repair?

10 A. Always.

11 Q. How was that insured?

12 A. If something was wrong with it, I used to tell them to
13 take it to Mexicali, fix it. Tell me how much it was. I'll pay
14 for the expenses.

15 MR. WILLIS: If I can approach the witness, Your Honor?

16 THE COURT: Yes.

17 BY MR. WILLIS:

18 Q. I would like to show you an exhibit that we had the
19 clerk mark as People's Exhibit Number 37. Take a look at that.

20 Are you familiar with the person represented in that
21 photograph?

22 A. Yes, I am.

23 Q. Can you tell the jury who that is?

24 A. Louie Lopez.

25 Q. And when you say "Louie Lopez," are you referring to the

1 defendant in this case, Louis Lopez?

2 A. Yes.

3 (People's Exhibit No. 37, photograph of Louie Lopez,
4 was identified for the record.)

5 BY MR. WILLIS:

6 Q. And for the record, Mr. Cuevas, can you tell --

7 MR. BREEZE: For the record, could the Court note -- could
8 the record note that he laughed when he identified the defendant,
9 Louie Lopez?

10 THE COURT: All right. Fine.

11 MR. WILLIS: And could the record reflect that the defendant
12 grinned widely?

13 THE COURT: Yes.

14 BY MR. WILLIS:

15 Q. When you say "Louis Lopez," can you identify for the
16 record where Mr. Lopez is sitting in the courtroom and what he is
17 wearing.

18 A. He's wearing a blue shirt and some brown pants.

19 THE COURT: Indicating the defendant.

20 BY MR. WILLIS:

21 Q. How long have you known the defendant Louis Lopez?

22 A. Almost five years.

23 Q. When did you first meet him?

24 A. 2004, 2003.

25 Q. Where was that?

1 A. If I'm not mistaken, I met him one time. I used to live
2 in Imperial on Sandalwood Drive. And I used to date a girl and I
3 met Louie by that person.

4 Q. At some point in time after first meeting the defendant
5 Louis Lopez, did he commence to work for your drug-trafficking
6 organization?

7 A. Can you say that word again.

8 Q. Did he start working for you transporting drugs?

9 A. When I met him, like probably six months later or
10 something like that. I can't recall. Around there.

11 Q. Can you describe to the jury the circumstances under
12 which Louis Lopez was first hired by you to transport drugs.

13 MR. BREEZE: Objection, Your Honor. Can we approach?

14 THE COURT: Yes.

15 (The following proceedings were held out
16 of the presence and hearing of the jury:)

17 THE COURT: On the record outside the presence of the jury.

18 MR. BREEZE: Your Honor, I have a great concern, and that is
19 getting into other alleged narcotics transactions which I thought
20 we were -- that the Court excluded during the prosecution's case
21 in chief under 1101. I think it was one of the in limine motions
22 where the Court indicated that it did not intend to allow the
23 prosecution to evidence any other narcotics transactions between
24 Mr. Cuevas and Mr. Lopez during the prosecution's case in chief
25 under 1101(a).

1 MR. HONSE: That's the reason the prior was sanitized.

2 MR. BREEZE: I'm worried he is going to say something that,
3 you know, well, he started, you know, smuggling drugs for me on
4 such-and-such a date and then we get into the details of that
5 transaction.

6 MR. WILLIS: Well, he already has testified that Louis Lopez
7 started working for him about six months after they first met
8 transporting drugs.

9 MR. BREEZE: I don't have a problem with that generic
10 testimony to say, I know Mr. Lopez because he worked for me. When
11 we get into particular transactions, I think, you know, it
12 violates the 1101 ruling of the Court.

13 THE COURT: Yeah. You ought to stay away from specifics that
14 aren't charged.

15 MR. WILLIS: Okay.

16 THE COURT: You should warn him, "Don't tell me about
17 anything specific, but when did he become your employee?"

18 MR. WILLIS: Okay.

19 THE COURT: Words to that effect.

20 MR. WILLIS: All right. No problem.

21 MR. BREEZE: Thank you, Your Honor.

22 (The following proceedings were held in
23 the presence and hearing of the jury:)

24 THE COURT: Go ahead, Mr. Willis.

25 ///

1 BY MR. WILLIS:

2 Q. Mr. Cuevas, I believe you indicated Louie Lopez, the
3 defendant in this case, started working for you about six months,
4 I believe it was, after you first met?

5 A. Yes.

6 Q. If you could generally estimate, about what time frame
7 was that, if you can recall the year or the month?

8 A. No. I can't recall the month, but in 2004 he used to do
9 marijuana loads.

10 Q. Since that time in 2004 when he was first retained by
11 you, is it fair to say that he continued to work on and off for
12 your organization?

13 A. Yes.

14 Q. Now, in February 2006, can you describe to the jury in
15 detail what specific duties the defendant Louis Lopez was
16 performing for your drug-trafficking organization.

17 A. He was a recruiter, driver/recruiter.

18 Q. And, again, can you specifically describe what the
19 duties are of a driver/recruiter.

20 A. He used to scout my drivers to cross cocaine.

21 Q. I think you and I understand what that means. Can you
22 explain to the jury in detail what it means to be a scout.

23 A. A scout is somebody -- I had scouts and I had lookouts.
24 That's the way my federal indictment is. I have people
25 actually -- we all pled guilty already in federal court. Some

1 pled guilty for scouts. Some pled guilty for lookouts.

2 MR. BREEZE: Objection. Move to strike as nonresponsive.
3 What other people did is irrelevant. And I don't think that the
4 witness should reference what other people did in federal court.

5 THE COURT: All right. I'll instruct the jury to disregard
6 that.

7 BY MR. WILLIS:

8 Q. Again, my question is, if you could just describe
9 specifically what the duties were of a scout and a lookout.

10 A. A lookout is the one that used to take care of the car
11 from Mexicali all the way to L.A. And a scout is -- he used to
12 recruit people to cross cocaine from Mexicali to Los Angeles.

13 Q. So am I correct then that the typical method of bringing
14 the cocaine would involve more than one vehicle?

15 A. Yes. I used to send somebody to take care of him. You
16 know, if he gets a flat tire, he gets stopped by somebody. I can
17 know, "Don't pick up phones or nothing." They can be -- if he
18 gets stopped by some federal agents or something, so I'll let the
19 people know in L.A. that, you know what? That car got lost. Or
20 if that car gets broken down, there is somebody -- somebody right
21 in back of them so that they can assist that person right away,
22 get a call out for a tow truck, leave the car there. Call for
23 somebody to get it fixed and keep on going.

24 Q. So one vehicle would contain the false compartment that
25 had the drugs in them and then another vehicle would be driven by

1 the lookout?

2 A. Correct.

3 Q. Who would take care of it in case the drug-laden vehicle
4 had a flat tire or something like that?

5 A. Yes.

6 Q. Is it fair to say that generally the drivers of the
7 drug-laden vehicles were the newest members of your organization,
8 least experienced?

9 A. Can you say that word again.

10 Q. The drivers of the drug-laden vehicle, the ones that
11 actually had the drugs in the false compartment, were they
12 generally the newer employees or newer to the organization?

13 A. No, not really. It was -- I used to send another car
14 behind them for the safety of the organization and for the driver.
15 I used to just have people taking care of them all the way to Los
16 Angeles.

17 Q. Of those job classifications that you just described, in
18 early February of 2006, what was Louie Lopez doing? What role was
19 he playing?

20 A. Louie was my scout. He was a scout driver.

21 Q. So he would not actually drive the drug-laden vehicle,
22 he would get two drivers to do that?

23 A. Yes.

24 MR. WILLIS: If I can approach the witness again, Your Honor?

25 THE COURT: Yes.

1 BY MR. WILLIS:

2 Q. Let me show you another photograph that we had marked as
3 People's Exhibit Number 38. I'll ask you to take a look at that
4 photograph, Mr. Cuevas. Have you seen that photo before?

5 A. Yes, I have.

6 Q. Can you tell the jury when the first time was that you
7 saw that photo?

8 A. Before I hired her to work for me.

9 Q. And who is it that is represented in that photograph?

10 A. April Del Toro.

11 (People's Exhibit No. 38, photograph of
12 April Del Toro, was identified for the record.)

13 BY MR. WILLIS:

14 Q. And how did you come across -- how were you provided
15 with that photograph the first time you saw it?

16 A. By Louie Lopez.

17 Q. And what was the purpose of you requesting to review
18 that photograph from Louie?

19 A. Like I told you guys, I'll tell you guys again, before I
20 assign a car to somebody, I used to like to see their I.D.'s, know
21 where they live, keep all of their information in case if
22 something, for my safety, just to know who the person is and to
23 see if it matches the car, the character of the person inside the
24 car.

25 Q. And am I correct then in concluding that Mr. Lopez

1 provided you with that photograph because April Del Toro was being
2 recruited?

3 A. Yes.

4 Q. What was your understanding of who April Del Toro was at
5 that time when you first saw the photograph?

6 A. It was Louie's friend. She decided to work for Louie.
7 Louie used to work for me. And I assigned her with a car.

8 Q. Can you describe to us -- specifically, in this
9 instance, you did not meet April Del Toro face-to-face?

10 A. I never met April face-to-face. I knew where she lived.

11 Q. How did you know where she lived?

12 A. I went over to her apartment complex by Oasis Desert
13 High.

14 Q. And what was the purpose in going there?

15 A. With Louie.

16 Q. Why were you and Louie going over there?

17 A. I think we picked up his car one time right there.

18 Q. You didn't meet her at that time?

19 A. No. I actually never tried to have nobody see me. They
20 probably knew about me. I was the person that none of my drivers
21 knew me. I knew them. I didn't let them know me.

22 Q. After you were provided with that photograph, was April
23 Del Toro retained by your organization to act as a driver of
24 drug-laden vehicles?

25 MR. BREEZE: Objection. Foundation.

1 THE COURT: I'm sorry.

2 BY MR. WILLIS:

3 Q. After you were provided with that photograph from Louis
4 Lopez, was, in fact, April Del Toro retained into driving
5 drug-laden vehicles?

6 MR. HONSE: I join in the objection. There is no basis
7 established thus far to show that knowledge.

8 THE COURT: Overruled.

9 THE WITNESS: Yes. She worked for the Cuevas cell.

10 BY MR. WILLIS:

11 Q. Now, can you generally describe to the jury when two
12 vehicles are used in the transportation of cocaine, a particular
13 run I'll call it for lack of a better word, there is a scout
14 vehicle or lookout vehicle, and then the driver of the drug-laden
15 vehicle itself. Can you describe to the jury how payment was made
16 to those individuals as a general practice of your organization.

17 A. I used to pay the scout whatever the car had. If it had
18 50 kilos, 25 kilos, if it had 5 kilos, whatever the car had, I
19 used to pay them 4500, \$5,000 for if they -- for the scout to
20 follow them plus their expenses. Actually, \$5,200 if they had to
21 stay the night. I used to pay their hotel and expenses, food and
22 everything.

23 Q. So if a team, again, a two-vehicle team that we
24 described, the drug-laden vehicle and the scout vehicle, if the
25 team was transporting, say, 25 kilograms of cocaine, how much

1 would you pay that team?

2 A. In total, 5200.

3 Q. How did the money -- how was it decided how much money
4 would go to the driver of the drug-laden vehicle?

5 A. That was up to the scout. I used to pay the scout,
6 "Here is your money. I don't care what you pay them as long as
7 they know they are crossing cocaine." Why? Because if
8 something -- if they lie to them and I have people in Los Angeles,
9 if they get somebody, they tell me it's marijuana, and they get
10 caught, they are going to say, you know what? This guy did it. I
11 was going to go to this house. I used to tell them, you know
12 what? You better tell them it's cocaine, what they are running so
13 they know the consequences of whatever -- that they know what they
14 actually have.

15 Q. And so your organization didn't use what has been
16 referred to as blind mules?

17 A. Never. Never. Never. Never. I always told them, "You
18 better tell them the truth." Why? Because I don't want problems
19 over there in Los Angeles.

20 Q. So in regards to the --

21 A. I never lied to nobody. They had to tell them the
22 truth, what they carried.

23 Q. In regards to the team of the defendant Louis Lopez and
24 defendant April Del Toro, it was Louis' responsibility to make
25 sure she understood that?

1 A. Correct.

2 Q. Can you describe specifically in early February 2006
3 what the precise duties were that April Del Toro was performing
4 for the Cuevas cell.

5 A. She used to make runs for me of cocaine from Mexicali to
6 Los Angeles.

7 MR. HONSE: Your Honor, I'm going to object. It's
8 foundation again. The defendant testified that he never met her,
9 never spoke to her. There is no basis for him to know that. If
10 there is, he hasn't said it yet.

11 THE COURT: He stated he worked through Mr. Lopez.

12 MR. HONSE: That would be the foundation.

13 MR. WILLIS: Lopez recruited. I think he covered Louie Lopez
14 was the recruiter. She was retained as a result of that process.

15 THE COURT: He went to her residence, knew where she lived,
16 saw her picture. I'll overrule the objection.

17 Let's take our morning break. Don't discuss the case amongst
18 yourselves or with anybody else. Don't form or express any
19 opinion or do independent research. We'll pick up again in about
20 15 minutes.

21 (Recess.)

22 THE COURT: Go ahead, Mr. Willis.

23 MR. WILLIS: Thank you, Your Honor.

24 BY MR. WILLIS:

25 Q. Mr. Cuevas, do you remember you are still under oath?

1 A. Yes.

2 Q. During the break that we just had, were any promises
3 made to you? Any representations?

4 A. No.

5 Q. Okay. Let me go back and just cover a couple of items
6 that I think I need to clarify real quickly. You talked about two
7 different functions that you had, one called being a scout or
8 scout, and the other one performing the job called a lookout.

9 A. Yes.

10 Q. I think that you said the primary function of the scout
11 was to recruit drivers for the drug-laden vehicles?

12 A. Scouts, yeah.

13 Q. And the lookouts, what function do they perform?

14 A. Lookouts, they are only a lookout on the car, lookout on
15 the road.

16 Q. But not to have drugs in their vehicle?

17 A. Oh, negative.

18 Q. In early February 2006, what precise functions was Louie
19 Lopez performing?

20 A. Actually, both.

21 Q. So he would both recruit drivers and then also act as a
22 driver of a lookout vehicle?

23 A. Yeah. He was actually more in charge of his driver.

24 Q. The driver that he recruited and he would also be
25 responsible to be a lookout vehicle?

1 A. Correct.

2 Q. And in this case in 2006, in early February 2006, this
3 was April Del Toro?

4 A. Correct.

5 Q. Were there any other drivers operating under Louis
6 Lopez' recruitment, if you will, in February of 2006?

7 A. No.

8 Q. Now, I would like to turn your attention now to a 1998
9 green Passat that was involved in the particular incident that
10 forms the basis of the trial that we're engaged in right now. Do
11 you remember sometime prior to early February 2006 acquiring a
12 1998 green Volkswagen Passat?

13 A. Yes. I bought it.

14 Q. Can you estimate generally what time frame you purchased
15 this '98 Passat?

16 A. I don't know the time frame. If you guys have when it
17 was registered to April, probably one month behind. At the most
18 one month behind that I bought it personally, that car.

19 Q. So it would have been a month before April Del Toro
20 registered it in her name?

21 A. Yeah. I bought the car.

22 Q. Do you recall where you purchased the vehicle?

23 A. I bought the car in San Diego in Otay Mesa. I bought
24 the car. I didn't drive -- I didn't actually drive it to L.A. I
25 went behind that car all the way to -- one of my workers drove it

1 to L.A. where I used to get my cars fixed, altered.

2 Q. Do you recall exactly where in Otay Mesa you purchased
3 this 1998 green Volkswagen Passat?

4 A. Brown Field in Otay.

5 Q. Near Brown Field.

6 Do you recall how much you paid for the 1998 green Passat?

7 A. I paid about \$5,500. Something like that.

8 Q. You testified that one of your workers actually drove
9 the vehicle up after it was purchased in Los Angeles?

10 A. Yes. I bought it, took it to Los Angeles. Fifteen days
11 later, I went to pick it up. It took 15 days to fix the car.

12 Q. Now, can you describe to the jury what precisely you
13 were having done to the car in Los Angeles.

14 A. I made two compartments, two hidden compartments, one
15 electrical, one manual. I made the electrical in the front
16 bumper. I made the -- I made the license plate pop to get to the
17 compartment. And I made it behind the seat. I used to stick
18 about 32 kilos of cocaine in that car, 32, 31.

19 Q. When you say you made these, I'm assuming you are
20 talking in terms of you hired somebody to fabricate those false
21 compartments?

22 A. Correct.

23 Q. And this was in the Los Angeles area?

24 A. Los Angeles area.

25 Q. Who was that that you retained?

1 A. Gabriel Flores.

2 Q. You testified it took him about 15 days then to complete
3 that work?

4 A. Yeah. It all depends if he had a lot of work. If they
5 had another car in front of that car, but, no, about 15 days. It
6 took 15 days. Every time I took the car in, I wanted it in, like,
7 15 days.

8 Q. Can you describe specifically then concerning the false
9 compartment that was made part of the front bumper. You said that
10 operated electronically; is that correct?

11 A. One they made it electronically connected to a wire to
12 the positive to a negative screw up in the headlight. Pull it,
13 tap it, it bounces the whole license plate. You can't even tell.

14 Q. The access to the false compartment then is that portion
15 of the bumper behind the license plate?

16 A. Yeah, the bumper. It's about this big, this wide, this
17 deep.

18 Q. And the --

19 A. The other one I built was under the seat.

20 Q. What did that look like?

21 A. Actually, you couldn't tell that one. You could lift up
22 the seat. You can't tell. You have to pull the rug. There is a
23 center console that runs through the middle. When you pull the
24 rug, there was a little line, very, very, like very perfect line,
25 and you just took it off and there was a false compartment, but it

1 was built to the bottom of the car under the muffler.

2 Q. Underneath the undercarriage of the vehicle?

3 A. Under the muffler. It had another floor under the
4 muffler.

5 Q. You would access it --

6 A. From inside the car.

7 Q. Underneath the back seat?

8 A. Underneath the back seat.

9 Q. And the capacity of those two compartments, if the
10 capacity was combined, it would hold about 31?

11 A. Thirty-two kilos.

12 Q. Using both compartments?

13 A. Yes.

14 Q. Once that fabrication work was finished up in the Los
15 Angeles area, how did you then get the vehicle back?

16 A. I went and picked it up. I had one of my workers get
17 it, pay them.

18 Q. How much did it cost to get the compartments made, by
19 the way?

20 A. All right. One, 3500. The other one -- actually, 6500
21 for both of them or 6,000 for both of them. It all depends.

22 Q. And then you picked up the vehicle yourself?

23 A. I used to go personally, not drive it. I never drove
24 none of the vehicles. I was like -- I couldn't get -- you know,
25 how about if they stop me on my way? There is my plate. If they

1 go through the history, who got the ticket in that car? So I was
2 going to pop up. I was very, very, very careful not driving those
3 cars, not even getting close to them. I had one of my drivers
4 drive it back. I used to go see the car. If I see something I
5 didn't like, I tell the guy, you know what? I see this. This is
6 bad. This is wrong. This is wrong. And you need to fix it.
7 That is why I used to go and double-check the work.

8 Q. Okay. Once -- now you described earlier that you had
9 seen the photograph of April Del Toro initially because Louie
10 Lopez gave you her license or copy of her license?

11 A. I knew who she was. She didn't know who I was.

12 Q. You saw -- when you saw the -- when you saw the copy of
13 her California driver's license and I.D., I believe you also
14 earlier testified that you try to match cars with drivers?

15 A. Yeah.

16 Q. Is that the process that you used in this particular
17 instance with the green Volkswagen Passat?

18 A. And all of them. Not only in one, in all of them.

19 Q. So was it your decision that this car fit her?

20 A. Yeah. It was my decision and one of my partners'
21 decision.

22 Q. And then am I correct in concluding that it was then
23 your intention to provide this vehicle to April Del Toro?

24 A. Correct.

25 Q. How did you do that?

1 A. By Louie. Louie Lopez.

2 Q. Can you describe specifically how the vehicle got to
3 April Del Toro?

4 A. When I told Louie if he had somebody, he told me, yeah.
5 He brought the license. I looked it over. And I said, all right,
6 yeah. It does fit her. I gave the green Passat to Louie. Louie,
7 with her, I believe registered it. Got plates and everything. I
8 make them do runs --

9 MR. HONSE: Objection, Your Honor. This witness has no
10 personal knowledge of this. There is no foundation on how he is
11 testifying to this.

12 THE COURT: Sustained. See if the People can lay the
13 foundation.

14 BY MR. WILLIS:

15 Q. Can you tell us how you know the vehicle got to April
16 Del Toro?

17 A. By Louie Lopez.

18 Q. And how do you know that?

19 A. Because he was responsible for that car.

20 Q. Then specifically, as far as the physical mechanics of
21 getting it to her, did you give the Volkswagen Passat to Louie to
22 give to her?

23 A. Yes. I trusted Louie very much.

24 Q. To the best of your knowledge, did he do that?

25 A. Correct.

1 Q. And how do you know that?

2 A. Because I went over a couple of times to April's house
3 and the car was over there at her apartment complex parked in the
4 back.

5 Q. Was it confirmed to you she had registered it in her
6 name?

7 A. Yes. I asked for copies of her license, copy of her
8 insurance, and copy of the registration already under her name.

9 Q. Do you recall about what time frame this was that the
10 vehicle was delivered to April?

11 A. No. The time frame, I can't remember. Month, I can't
12 remember.

13 Q. I'm assuming it was before early February 2006?

14 A. Oh, yes.

15 Q. Basically you are giving her the car to use. In
16 addition to making drug runs, she can use it as her daily drive?

17 A. All of the cars that I used to buy, I used to give them
18 to the drivers. They were their cars to keep so they could feel
19 good, you know. Know if something is wrong with it, you know. If
20 they cross the border, you know. Sometimes people, they give them
21 cars and they tell them, "Hey, open the trunk." They don't know
22 where to open it. "Open the gas." They don't know where it's at.
23 They used to stay with it, like it was their car to keep.

24 Q. And did you require April Del Toro to reimburse you any
25 of the monies that you spent to purchase the vehicle?

1 A. Negative.

2 Q. It was essentially her business car?

3 A. It was her car, yeah.

4 Q. By the way, Mr. Cuevas, have you met any relatives of
5 April Del Toro?

6 A. Negative.

7 Q. Have you ever met a gentleman by the name of Noe Lopez?

8 A. No.

9 Q. So to the best of your knowledge, did he ever work for
10 the Cuevas cell?

11 A. No.

12 Q. Or for the Cazares drug-trafficking organization?

13 A. No.

14 Q. How about a Noe Gonzalez?

15 A. No.

16 Q. Have you ever heard of a Noe Gonzalez?

17 A. No.

18 Q. Same questions would be true. There was never a Noe
19 Gonzalez that worked for your organization?

20 A. No. I just know one Noe. I know Noe Amesqua. He is in
21 prison.

22 MR. WILLIS: If can I approach the witness, Your Honor?

23 THE COURT: Yes.

24 BY MR. WILLIS:

25 Q. Let me show you a couple of other photographs.

1 First, let me show you what we had marked as People's Exhibit
2 39. Do you recognize the person represented in that photograph?

3 A. Yes, I do.

4 Q. Who is that?

5 A. He's one of my workers.

6 Q. What is his name?

7 A. His name is Carlos Valle.

8 (People's Exhibit No. 39, photograph of
9 Carlos Valle, was identified for the record.)

10 BY MR. WILLIS:

11 Q. What function did Carlos Valle play in your organization
12 in February of 2006?

13 A. I had him in charge of picking up my cocaine and taking
14 it to the safe house, wrapping it up. I would make him see all of
15 the drivers, all of the drivers. Load their cars. Return them
16 back to them.

17 Q. So during the time frame that April Del Toro was working
18 for you, he would interface with her as far as loading the green
19 Volkswagen Passat with the cocaine?

20 A. Yes.

21 MR. BREEZE: Objection. Foundation. Hearsay.

22 MR. HONSE: Leading.

23 THE COURT: I'll sustain the leading.

24 BY MR. WILLIS:

25 Q. What if any contact did he have with April Del Toro?

1 MR. HONSE: Objection. Foundation. How does he know?

2 THE COURT: Lay the foundation.

3 BY MR. WILLIS:

4 Q. To the best of your knowledge, did he have contact with
5 April Del Toro?

6 A. Okay.

7 MR. BREEZE: Objection. Hearsay. Foundation.

8 THE COURT: Go ahead and lay the foundation.

9 BY MR. WILLIS:

10 Q. Did he have contact with April Del Toro?

11 A. Yes, he did.

12 Q. How was that accomplished?

13 MR. BREEZE: Objection. Foundation.

14 THE COURT: Overruled.

15 Go ahead. I'm going to let him lay the foundation. Go
16 ahead.

17 THE WITNESS: He used to go and meet her at her grandma's
18 house or at Auto Zone near Carlos Valle's house. He would see her
19 personally, turn in the car, give it to April. He used to call me
20 right away, "The car is with April."

21 MR. BREEZE: Objection. Move to strike. Foundation.
22 Hearsay.

23 MR. HONSE: Your Honor, I object too. I want to help it get
24 cured. Did he tell him? Did he see it?

25 THE COURT: He said he called him.

1 MR. WILLIS: That was the testimony. He talked to him on the
2 phone.

3 THE COURT: Overruled. Go ahead.

4 BY MR. WILLIS:

5 Q. Did you complete your answer?

6 A. Yes. I used to call Louie or Louie used to call Carlos
7 when the girl, April, was over there in Mexicali at her
8 grandmother's house or at Auto Zone. We started at Auto Zone and
9 we ended up at -- then she didn't like Auto Zone. Then she moved.
10 Carlos used to go to her grandmother's house to pick up the car.

11 Q. So that was part of that methodology you described
12 before where you didn't want the drivers necessarily to see the
13 stash house?

14 A. None of my drivers. Nobody used to go to that stash
15 house.

16 Q. Why did you -- with April, why did you initially use the
17 Auto Zone?

18 A. Because that is where -- not only with April, with all
19 of my drivers. Auto Zone, there is a store right next to it, Lay,
20 we used to use Auto Zone, Lay. Probably at Auto Zone one time.
21 If there -- if someone would have gone before her, well, Carlos
22 can't go to Auto Zone again and pick up another car because people
23 are going to see, so different places.

24 Q. And I assume -- I'm not sure if we made this clear for
25 the record -- the Auto Zone that we're talking about is in

1 Mexicali?

2 A. Auto Zone in Mexicali.

3 Q. Do you remember what street?

4 A. It's on Las Conegas (phonetic).

5 Q. And while Carlos Valle then would take the vehicle to
6 the stash house, the driver would just wait in the store?

7 A. Wait in the store.

8 MR. BREEZE: Objection, Your Honor. Foundation. Leading.

9 THE COURT: Leading. Sustained.

10 BY MR. WILLIS:

11 Q. What would the driver do while Carlos is taking the car
12 to the stash house?

13 A. I imagine stay at the store or her grandma's house.
14 Almost all of the time at first we started at Auto Zone and then
15 we ended up, like I told you, at her grandma's house. Carlos used
16 to go to her grandma's house and pick up the car there. That's
17 better than waiting in the store.

18 Q. And was that equally convenient to your organization?

19 A. What do you mean?

20 Q. To meet her at her grandmother's house.

21 A. I thought it was a lot way better.

22 Q. Why is that?

23 A. Rather than meeting people on the streets.

24 MR. WILLIS: If I can approach the witness again, Your Honor?

25 THE COURT: Yes.

1 BY MR. WILLIS:

2 Q. Let me show you another photograph marked Exhibit Number
3 40 and ask you to take a look at that, the person represented in
4 that photograph. Do you recognize that gentleman that is
5 represented in that photograph?

6 A. Yes, I do.

7 Q. Can you tell the jury who that is?

8 A. It's -- I call him Chino. His name is Santos Rocha.

9 Q. Do you know his full name?

10 A. Santos Rocha Salazar, if I'm not mistaken.

11 (People's Exhibit No. 40, photograph of Fabian

12 Santos Rocha Salazar, was identified for the record.)

13 BY MR. WILLIS:

14 Q. Was he a participant in your trafficking organization?

15 A. Yes, he was.

16 Q. What role did he play?

17 A. Actually, he helped me sometimes out with my stuff, but
18 he worked for my other boss. He was actually the worker for my
19 other boss, not Victor Emilio, for Arturo Cazares.

20 Q. How did you refer to Arturo Cazares?

21 A. Tio.

22 Q. Tio, uncle?

23 A. Yeah, uncle.

24 Q. And Tio, he functioned separately from Victor?

25 A. Yeah. They are family, compadres, family members. Each

1 has their own cartel, their own organization of bringing in
2 cocaine.

3 Q. And again, what was Pariente's relationship with Tio?

4 A. Actually --

5 MR. BREEZE: Objection. Pariente, Your Honor, I'm not sure
6 who Pariente is. It seems vague.

7 THE COURT: Is that one of the photos that you have shown?

8 BY MR. WILLIS:

9 Q. I'm sorry. Wasn't that one of the names you used for
10 this individual?

11 A. Chino.

12 Q. Chino?

13 A. Yes. Pariente is Chino. Like me, Charlie. He's -- I
14 didn't call him by his name. His actual name is Fabian Santos
15 Rocha.

16 Q. He had a number of --

17 A. Nicknames. I used to call him Chino. Most likely we
18 used to say we were brothers, hermano, hermano in our calls,
19 hermano. That's the way we -- "Hey, hermano, como estas,
20 brother? How are you?"

21 Q. You also use Pariente?

22 A. Pariente.

23 Q. Relative, relation.

24 And then back to my question then, I'm trying to get a
25 definition of precisely what his function was in relationship to

1 you.

2 A. He used to work for the organization of El Tio for
3 Arturo. He was in charge of unloading the buses, taking care of
4 the cocaine. And he was responsible after unloading the cocaine
5 for the buses, giving them to me. And I was -- I used to import
6 it into the United States.

7 Q. So when you imported it, you were taking it up to --

8 A. Los Angeles.

9 Q. Customers of his?

10 A. Yes. I was the only transportation.

11 MR. BREEZE: Your Honor, I object and move to strike on the
12 grounds that the response is ambiguous. I'm not sure who the
13 customer is at this point in time. The customer of Santos Rocha
14 Salazar or a customer by the name of Arturo Rocha Salazar?

15 THE COURT: You will get an opportunity to cross-examine.

16 MR. WILLIS: I'm happy to get into that now, Your Honor.

17 BY MR. WILLIS:

18 Q. For the record, let me try to figure that out. The
19 cocaine that you were transporting from Mexicali up generally to
20 the Los Angeles area, sometimes it would be Riverside or San
21 Bernardino?

22 A. Correct.

23 Q. The cocaine that you are transporting was cocaine that
24 belonged to either -- what do we call him, Licenciado?

25 A. Licenciado.

1 Q. That was the nickname given to Victor Emilio Cazares
2 Salazar?

3 A. Correct.

4 Q. Some of the cocaine belonged to Arturo Salazar Mesa, who
5 we sometimes called Tio?

6 A. Yes.

7 Q. When you are transporting the cocaine for one of the two
8 organizations, to whom are you delivering it?

9 A. Different customers of them. Like, I had so many cars,
10 if I used to get 400 kilos, I crossed them in two days. And then
11 Arturo called me, hey, I have another 200 kilos, 100 kilos. I
12 used to cross them with the other people that didn't cross. I
13 used to have Avalanches that used to hold 50 kilos of cocaine. I
14 was (snaps fingers), sorry to snap my fingers. I used to do it
15 fast.

16 Q. When you are driving it, though, the person who is
17 taking the possession of it up in the L.A. area, they are not
18 customers you've obtained. You are not selling cocaine to them?

19 A. No. I never sold cocaine. I was only the transporter.

20 Q. They are distributors that are dealing with your bosses
21 in the two organizations?

22 A. Yes, correct.

23 Q. Let me focus your attention now on the delivery, on a
24 delivery that ostensibly was made on February 10th, February 11th
25 of 2006. Do you recall that weekend?